

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARVEL JONES,

Plaintiff,

vs.

8:21CV251

ORDER

UNKNOWN-UNNAME, Director of Nebraska Department of Correctional Services, in his/her individual capacity; UNKNOWN-UNNAME, Director I of Nebraska Department of Correctional Services, in his/her individual capacity; UNKNOWN-UNNAME, Director II of Nebraska Department of Correctional Services, in his/her individual capacity; UNKNOWN-UNNAME, Associate Director of Nebraska Department of Correctional Services, in his/her individual capacity; UNKNOWN-UNNAME, Warden of Tecumseh State Correctional Institution, in his/her individual capacity; UNKNOWN-UNNAME, Deputy Warden of Tecumseh State Correctional Institution, in his/her individual capacity; UNKNOWN-UNNAME, Associate Warden of Tecumseh State Correctional Institution, in his/her individual capacity; UNKNOWN-UNNAME, Librarian of Tecumseh State Correctional Institution, in his/her individual capacity; UNKNOWN-UNNAME, Warden of Nebraska State Penitentiary, in his/her individual capacity; UNKNOWN-UNNAME, Associate Warden of Nebraska State Penitentiary, in his/her individual capacity; UNKNOWN-UNNAME, Deputy Warden of Nebraska State Penitentiary, in his/her individual capacity; LIBRARIAN OF NEBRASKA STATE PENITENTIARY, in his/her individual capacity; UNKNOWN-UNNAME, Warden of Omaha Correctional

Center, in his/her individual capacity;
UNKNOWN-UNNAME, Associate Warden of
Omaha Correctional Center, in his/her
individual capacity; UNKNOWN-UNNAME,
Deputy Warden of Omaha Correctional
Center, in his/her individual capacity; and
UNKNOWN-UNNAME, Librarian of Omaha
Correctional Center, in his/her individual
capacity;

Defendants.

This matter comes before the Court after a review of the docket and pursuant to NECivR. 41.2, which states in relevant part: “At any time, after appropriate notice, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.”

The sole remaining defendants in this action are unknown-unnamed government officials in their individual capacities. See [Filing No. 56](#). On July 9, 2024, the Court granted pro se Plaintiff Marvel Jones’ motion for expedited discovery to subpoena non-party Nebraska Department of Correctional Services (“NDCS”) to obtain the names and addresses of the unnamed Defendants. [Filing No. 58](#). The Court subsequently denied Plaintiff’s motion to compel non-party Rob Jeffreys, the director of NDCS, to respond to Plaintiff’s subpoena because Plaintiff had not, at that time, served the subpoena. [Filing No. 62](#). On November 8, 2024, NDCS and Jeffreys filed a certificate of service indicating they served Plaintiff with a written objection to the subpoena. [Filing No. 63](#).

The Court entered its order permitting Plaintiff to subpoena NDCS more than 120 days ago. Plaintiff has a duty to prosecute his case and may, for example, file a motion to compel in accordance with the applicable rules or take other action as appropriate.

Accordingly,

IT IS ORDERED:

- 1) Plaintiff shall have until December 19, 2024 to file a motion to compel or otherwise show cause why this case should not be dismissed pursuant to NECivR. 41.2 for want of prosecution.
- 2) The failure to timely comply with this order may result in dismissal of this action without further notice.

Dated this 19th day of November, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge